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MATTERS RELATING TO COMMITMENTS

THE ROLES OF THE SUBSIDIARY BODIES ESTABLISHED BY THE CONVENTION

Note by the interim secretariat

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I. INTRODUCTION

A. Committee mandate

1. At its ninth session, the Committee adopted decision 9/3 on the roles of the Subsidiary Body for Scientific and Technological Advice (SBSTA), established under Article 9 and of the Subsidiary Body for Implementation (SBI), established under Article 10 of the Convention (see A/AC.237/55, annex I). Part A of this decision addresses the functions, roles and terms of reference of the subsidiary bodies, and its annex lists the functions to be carried out by the SBSTA and the SBI.

2. The Committee decided to revisit the functions, roles and terms of reference of the subsidiary bodies at its tenth session in order to make final recommendations to the Conference of the Parties at its first session (COP 1). It therefore requested the interim secretariat to prepare documentation including proposals on any changes to be made in the allocation of the functions of the subsidiary bodies, on the technical, analytical and financial support to enable these bodies to discharge their functions effectively, and on the scheduling and periodicity of their meetings (see A/AC.237/55, annex I, decision 9/3).

B. Scope of the note

3. This note deliberately places emphasis on the period between COP 1 and the second session of the Conference of the Parties (COP 2) in order to allow for a step-by-step approach and thus a more effective decision-making process. Moreover, the periodicity of meetings of the subsidiary bodies after COP 2 is not addressed in the present note since it will have to be considered in the light of:

(a) Decisions on related subjects (see para. 5, below);

(b) The experience gained in the period prior to COP 2; and

(c) The work programme of the subsidiary bodies after COP 2.

4. The purpose of this note is to assist the Committee in agreeing on final recommendations to COP 1 on:

(a) The functions, roles and terms of reference of the subsidiary bodies;

(b) The work programme of the subsidiary bodies between COP 1 and COP 2;

(c) The first election of their officers;

(d) The scheduling and duration of their meetings prior to COP 2; and

(e) The support they need from the secretariat.

5. When making its decision, COP 1 will need to take into account the experience gained in the interim period during which the Committee will carry out the most pressing tasks of the subsidiary bodies, as described in part B of Committee decision 9/3, as well as other relevant decisions of COP 1. The present note draws upon documentation prepared for the ninth session of the Committee (see A/AC.237/46 and A/AC.237/48) and takes into account the views expressed and submissions made, as well as conclusions reached, at that session. When considering the present note, the Committee is invited to bear in mind that matters relating to the subsidiary bodies are all closely linked to items such as the multilateral consultative process for the resolution of questions regarding implementation, the process for the first review of information communicated by Annex I Parties, the review of the adequacy of commitments, criteria for joint implementation, and the financial mechanism. Accordingly, final recommendations by the Committee on the functions of the subsidiary bodies and the tasks they will address prior to COP 2, would be subject to conclusions by the Committee on the above-mentioned items.

6. This note attempts to identify and facilitate discussion of the elements of the future draft recommendation to COP 1. Section II addresses the **functions** to be carried out by the subsidiary bodies. It is supplemented by annex I which elaborates on the functions of those bodies by drawing upon the annex to Committee decision 9/3. Section III describes elements relating to the work of the subsidiary bodies in preparation for COP 2 and thereby provides indications of the matters to be considered at their first substantive meetings. It also proposes a scenario for the **election** of the first officers of the subsidiary bodies, for work during COP 1 concerning the subsidiary bodies, and for the **scheduling** and duration of their meetings prior to COP 2. Annex II to this note illustrates the sequence of events prior to COP 2. Section IV recalls the need for analytical, technical and financial **support** to enable the subsidiary bodies to discharge their functions effectively.

C. Possible action by the Committee

7. It is proposed that the Committee should aim to adopt, on a provisional basis, a comprehensive recommendation to COP 1 on the subsidiary bodies concerning the following:

- Functions, roles and terms of reference of the subsidiary bodies;
- Work programme between COP 1 and COP 2;
- Procedure for the first election of the officers of the subsidiary bodies;

- Scheduling and duration of meetings prior to COP 2;

- Need for technical, analytical and financial support.

After discussion of these elements, based on the present note, a draft recommendation would be prepared for consideration by the Committee at its tenth session.

8. The Committee would then consider the recommendation further at the eleventh session, taking into account conclusions on the relevant items mentioned in paragraph 5, above, and modify it if needed. At that session, informal consultations could also be held regarding the election of the officers of the subsidiary bodies and a recommendation made thereon to COP 1.

II. FUNCTIONS TO BE CARRIED OUT BY THE SUBSIDIARY BODIES ESTABLISHED BY THE CONVENTION

9. The Committee has agreed upon the allocation of a number of functions to be carried out by the subsidiary bodies to enable them to fulfil their roles. These functions provide a starting point from which not only to develop a work plan and a timetable but also to consider the results expected from these bodies.

10. The respective roles of the two subsidiary bodies as described in the Convention and in Committee decision 9/3 can be broadly characterized as follows:

- the SBSTA will be the link between the scientific, technical and technological assessments and information provided by competent international bodies, and the policy-oriented needs of the COP;

- the SBI will assist the COP in its assessment and review of the implementation of the Convention and in the preparation and implementation of its decisions.

11. At this stage, no specific proposal is made to expand the list of the functions of the subsidiary bodies. However, in order to provide assistance to the Committee in setting up a work programme for these bodies, the interim secretariat has drawn up a more detailed version of the list of functions to be carried out by the subsidiary bodies, that is annexed to the present note (see annex I). This list builds on the annex to Committee decision 9/3 by supplementing the information provided in order to strengthen its operational character. For that purpose, related functions have been grouped into clusters in order to highlight the main areas of work. Secondly, drawing upon interventions by member States at the ninth session of the Committee, as well as upon documentation prepared for the tenth session and document A/AC.237/46, both the types of activities involved in each principal cluster of functions and their probable outputs have been clarified.

III. WORK TO BE UNDERTAKEN PRIOR TO THE SECOND SESSION OF THE CONFERENCE OF THE PARTIES

A. Key tasks to be undertaken between the first and second sessions of the Conference of the Parties

12. In addition to a decision as to which functions are to be carried out by the subsidiary bodies, COP 1 may wish to provide guidance on what is expected of the subsidiary bodies in the period leading up to COP 2. In order to ensure that these bodies are operational as quickly as possible, thereby contributing to a prompt start to the implementation of the Convention, the Committee may wish to indicate in its recommendation to COP 1 which tasks should be taken up by the subsidiary bodies between COP 1 and COP 2 and the manner in which they are to be considered.

13. The following tasks could be considered as requiring particular attention from the subsidiary bodies between COP 1 and COP 2.

1. Key tasks to be addressed by the Subsidiary Body for Scientific and Technological Advice

14. It may be envisaged that, in order to respond to the needs of the COP, the SBSTA may be requested by COP 1 to:

(a) Consider the 1995 Second Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) to draw appropriate conclusions for the SBI and/or the COP;

(b) Advise on questions concerning methodologies for inventories, projections of emissions and removals of greenhouse gases, comparisons of the respective contributions of different gases to climate change, vulnerability assessment and adaptation, and evaluation of the effects of measures undertaken pursuant to the provisions of the Convention;

(c) Provide advice on the technical aspects of the allocation of emissions from bunker fuels;

(d) Lay the groundwork for its advisory functions relating to technology transfer and research and development, with initial emphasis on identifying, promoting access to, and disseminating information on state-of-the-art technologies and know-how for limiting emissions of greenhouse gases and adapting to climate change, and addressing the capacity-building needs for the effective use and dissemination of such technologies. (As described in the annex to Committee decision 9/3, the role of the SBI in the field of technology transfer would fall in the context of advice to the COP on policies, eligibility criteria and priorities for the operating entity or entities of the financial mechanism);

(e) Lay the groundwork for its advisory functions relating to capacity building in developing country Parties; and

(f) Carry out such in-depth analysis of the scientific and technical aspects of the first national communications from Annex I Parties as may be needed. It should be noted that this task would provide useful information and background for developing and refining the methodologies referred to above.

2. Key tasks to be addressed by the Subsidiary Body for Implementation

15. It may be envisaged that, in order to respond to the needs of the COP, the SBI may be requested by COP 1 to:

(a) Carry out such in-depth review of individual national communications from Annex I Parties as may be needed, on the basis of the scientific and technical analysis provided by the SBSTA (see para. 14 (f) above);

(b) Consider the report on implementation;

(c) Consider report(s) from the operating entity or entities of the financial mechanism; and

(d) Further elaborate policies, programme priorities and eligibility criteria for the financial mechanism, including with reference to the transfer of technology.

16. The SBI might also have tasks arising from the follow-up to the decisions of COP 1 on the review of the adequacy of commitments and on the establishment of a multilateral consultative process for the resolution of questions regarding implementation pursuant to Article 13 (see A/AC.237/65 and A/AC.237/59).

B. Action at the first session of the Conference of the Parties

17. In order to ensure a prompt start to the implementation of the Convention and to the work of the subsidiary bodies, the Committee might consider whether the suggestion put forward in the following paragraphs should be reflected in its recommendation to COP 1.

18. As provided for in rule 27, paragraphs 3 and 4 of the draft rules of procedure (see A/AC.237/WG.II/L.8), unless otherwise decided by the COP, the Chairmen of the subsidiary bodies shall be elected by the COP, while other officers of the subsidiary bodies are to be elected by the body concerned. It might help expedite the work of the first substantive meetings of the bodies if, for the first term of office, the other officers of the subsidiary bodies were to be elected **during** COP 1. This would also facilitate the process of electing the officers of all Convention bodies in a manner that reflects the necessary geographical balance. In practical terms, brief meetings of the subsidiary bodies could be

convened during COP 1, solely for the purpose of electing their officers. In this regard, representatives of Parties to COP 1 would also have to be prepared to serve as representatives to meetings of the subsidiary bodies. In order to proceed expeditiously at COP 1, it would be desirable to hold informal consultations at the eleventh session of the Committee regarding the election of officers for the COP and for both subsidiary bodies (see A/AC.237/57).

19. After COP 1, and in accordance with the draft rules of procedure, the elections of officers of the subsidiary bodies, with the exception of the Chairmen, could be held independently of sessions of the COP.

20. Once the officers of the subsidiary bodies have been elected, they could meet informally during COP 1 to discuss elements of a work programme for the subsidiary bodies, on the basis of recommendations from the Committee and with the assistance of the interim secretariat. These elements would include:

- A schedule for their meetings
- A list of documentation required for COP 2
- Suggestions on the implementation of their work programme

21. Subsequently, in accordance with rule 27, paragraphs 2 and 3 of the draft rules of procedure, addressing the scheduling and matters to be considered by the subsidiary bodies at their meetings, the above elements could be incorporated in the decision to be adopted by COP 1 giving guidance to the subsidiary bodies. That decision could also give a mandate for the officers of each body to prepare for the substantive meetings of the bodies with the support of the secretariat.

C. Scheduling and duration of meetings of the subsidiary bodies in relation to the second session of the Conference of the Parties

22. In addition to recommendations on the functions of the subsidiary bodies and the tasks they might address prior to COP 2, the Committee may also advise the COP on the related organizational aspects.

23. In order to carry out the preparatory work of the substantive meetings of the subsidiary bodies, the officers may wish to organize informal open-ended consultations after COP 1. This suggestion is based on practice under the Montreal Protocol on Substances that Deplete the Ozone Layer and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; the practice is for such consultations to be held from time to time at United Nations centres, where Parties are represented by permanent missions. The advantage of such a procedure would be to avoid having to convene formal organizational meetings of the subsidiary bodies during, or

immediately after, COP 1, and would allow substantive work to proceed immediately after COP 1. However, the financial and support implications, as well as the ability of the Parties to participate in such meetings, would need to be taken into account.

24. The Committee may recommend to COP 1 that the subsidiary bodies, at their first meetings, elaborate proposals to be considered at COP 2 on their longer-term activities and organizational arrangements, including any adjustments to the allocation of work, scheduling and periodicity of meetings. For example, in order to facilitate their work, they may wish to make use of issue-specific technical panels, open-ended ad hoc working groups or task groups reporting to the subsidiary bodies. 1/ However, the consideration of any work plan needs to take into account the financial and support implications, as well as the ability of Parties to participate in meetings.

25. As explained in section III.B of document A/AC.237/46, and taking into account rule 27, paragraph 2 of the draft rules of procedure (see A/AC.237/WG.II/L.8), the timing of the meetings of the subsidiary bodies depends on a number of factors, including:

(a) The nature of the work required from them, especially that relating to the review of national communications and the follow-up of the review of the adequacy of commitments;

(b) The time needed for the preparation and distribution of documentation and subsequent consideration by Governments;

(c) The release of the IPCC Second Assessment Report scheduled for the end of September 1995;

(d) The calendar of related events taking place in 1995 and the dates of COP 2; and

(e) The budget adopted at COP 1, which would have to cover the cost of holding meetings of the subsidiary bodies, including the costs of secretariat inputs and conference services, as well as the cost of financing participation of eligible Parties.

26. In considering the scheduling and duration of meetings of the subsidiary bodies prior to COP 2, the need to ensure availability of conference services should be kept in mind. It would be prudent, therefore, for the Committee at its tenth session to give sufficient indications to the interim secretariat, so that dates could be incorporated in the United Nations calendar of conferences for 1995.

27. Enough time should be allowed before and after the meetings of the subsidiary bodies and the COP for the preparation, translation, distribution and consideration of documentation and information, including the Second Assessment Report of the IPCC. Therefore, and in accordance with the provisions of the Convention, it is suggested that COP 2 be held in June or July of 1996. Meetings at which the subsidiary bodies would begin their substantive work could be envisaged for late January 1996. For financial and logistical reasons, it would be desirable for the bodies to meet **consecutively** at the same place. These back-to-back meetings should start with the SBSTA, so as to provide the SBI with the necessary information to develop recommendations to COP 2.

28. In addition, it might be desirable to schedule a meeting of the SBSTA shortly after the release of the IPCC Second Assessment Report, that is, October 1995, to give that body an opportunity to decide how to handle the information thus provided .

29. The duration of such meetings is difficult to determine because it will depend on the work completed at the eleventh session of the Committee and on decisions taken at COP 1, as well as on support available to the subsidiary bodies. However, it may be assumed that one week would be needed for each body. The additional meeting of the SBSTA in September or October 1995 could possibly last for less than a week. If necessary, meetings of the subsidiary bodies may be envisaged in the days preceding COP 2. The total number of meeting weeks could thus range from two to three and a half weeks.

30. The diagram, attached as annex II to this note, summarizes the sequence of events and actions planned prior to COP 2.

IV. TECHNICAL, ANALYTICAL AND FINANCIAL SUPPORT

31. The subsidiary bodies will need adequate technical, analytical and financial support to discharge their functions effectively, to meet the requests made at COP 1 and to prepare for COP 2. This will include the preparation and distribution of documentation linked to the key tasks to be addressed between COP 1 and COP 2. In accordance with Article 8 of the Convention, the secretariat would provide expertise and support, as appropriate, to the subsidiary bodies. The need for support to the subsidiary bodies will be defined precisely when the organization of their work, their work programmes, and the scheduling and periodicity of their meetings is known. Subsequently, the capacity of the secretariat to provide support to these bodies will be defined in the light of the other activities the secretariat will be requested to undertake. Decisions on the review process, for example, will have significant repercussions on the type and importance of the support that will be required by the subsidiary bodies. In the meantime, based on the suggested list of key tasks to be addressed by the subsidiary bodies between COP 1 and COP 2, the following points list some of the general activities that the secretariat could carry out in support of their work between COP 1 and COP 2, in addition to those explicitly described in Article 8 of the Convention:

(a) Organization of meetings;

(b) Liaison and networking with competent scientific and technical international bodies and financial institutions, in order to ensure an adequate flow of information in both directions;

(c) Preparation of documentation requested for consideration by the subsidiary bodies or the COP; and

(d) Technical and analytical support for the review of information communicated by Annex I Parties.

32. Activities undertaken by the secretariat to facilitate technical and financial support to developing country Parties, as well as the secretariat's information system, may also contribute to the work of the subsidiary bodies.

Note

1/ In this regard, the establishment of scientific and technical panels under the Montreal Protocol on Substances that Deplete the Ozone Layer, or of the ad hoc working group of legal and technical experts under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, or of task forces under the Convention on Long-range Transboundary Air Pollution may provide useful examples.

Annex I

ELABORATION OF THE ANNEX TO COMMITTEE DECISION 9/3*

Functions to be carried out by the subsidiary body for scientific and technological advice under the guidance of the Conference of the Parties and drawing upon existing competent international bodies

Note: Text in bold face refers to the annex to Committee decision 9/3.

Provide assessments of the state of scientific knowledge relating to climate change and its effects (Article 9.2(a)):

- Review, summarize and, where necessary, convert the latest international scientific, technical and other information into forms appropriate to the needs of the Conference of the Parties (COP), especially in support of the review of the adequacy of commitments;

- **Compile and synthesize scientific and technical information on the global situation on climate change**, discuss latest developments in science and assess implications thereof for the implementation of the Convention; and

- Formulate requests to competent international scientific and technical bodies.

Prepare scientific assessments on the effects of measures taken in the implementation of the Convention (Article 9.2(b)):

- **Analyse the scientific and technical aspects of national communications for further review by the Subsidiary Body for Implementation.**

Identify innovative, efficient and state-of-the art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies (Article 9.2(c)):

- Ensure the collection and dissemination of information on appropriate technologies for limiting emissions from sources, enhancing sinks of greenhouse gases and adapting to climate change, on related international initiatives, cooperation and programmes, and the services they offer;

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* See document A/AC.237/55, annex I, annex to decision 9/3.

- Provide advice on the latest, and future, technologies mentioned above, their effects, their relative feasibility in different circumstances and their relevance to programme priorities of the financial mechanism taking into account relevant advice to the COP from the Subsidiary Body for Implementation;

- Provide advice and ideas on promoting international initiatives, programmes and cooperation in the areas of technology development and transfer, as well as on sharing of experience between Parties; and

- Evaluate ongoing efforts in the area of development and/or transfer of technologies to determine whether they fully meet the needs of the Convention and advise on possible improvements.

Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity building in developing countries (Article 9.2(d)), and assist the Parties to implement Articles 5 and 6 of the Convention, in this context:

- Ensure the collection and dissemination of information on international initiatives, cooperation and programmes in the areas of scientific research and systematic observation, as well as on education, human resources and training, public awareness, capacity building, and the services they offer;

- **Provide advice on education programmes;**

- **Provide advice on human resources and training;**

- Provide advice and ideas on promoting the above initiatives, cooperation and programmes, as well as on sharing of experience between Parties;

- Evaluate ongoing efforts in these fields to determine whether they fully meet the needs of the Convention and advise on possible improvements.

Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body (Article 9.2(e)):

- Seek and provide advice on the development, improvement and refinement of comparable methodologies for:

  - National inventories of emissions and removals of greenhouse gases;

  - Projecting national emissions and removals of greenhouse gases and comparison of respective contributions of different gases to climate change;

- Evaluating the individual and aggregated effects of measures undertaken pursuant to the provisions of the Convention;

- Conducting impact/sensitivity analyses;

- Assessing adaptation responses;

- Determining "agreed full incremental costs";

- Provide guidance and advice to the Parties on use of agreed methodologies;

- Provide guidance to the Parties on technical aspects of issues such as the allocation and control of emissions from bunker fuels or the use of global warming potentials.

Functions to be carried out by the subsidiary body for implementation under the guidance of the Conference of the Parties

Advise the Conference of the Parties (COP) on policies, eligibility criteria and programme priorities related to the financial mechanism, as well as on transfer of technology taking into account relevant advice to the COP from the Subsidiary Body for Scientific and Technological Advice:

- Review the financial mechanism and advise on appropriate measures;

- Consider reports from the operating entity or entities of the financial mechanism on activities related to climate change;

- Make recommendations related to the arrangements for the operational linkages between the COP and the operating entity or entities.

Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change (Article 10.2(a)):

- **Review national communications**, inter alia, **on the basis of the scientific and technical analysis provided, upon request, by the Subsidiary Body for Scientific and Technological Advice**;

- Compile and synthesize information on the overall aggregated effects of policies and measures;

- Compile and synthesize information on all aspects of the implementation of the

Convention by Parties.

Prepare the report on implementation to be submitted to the COP*

Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2(d) (Article 10.2(b)):

- Provide an assessment of the overall global effect of the measures undertaken to limit emissions and enhance sinks;

- Consider how the overall aggregated effect of the steps taken by Parties relates to the benchmarks set out in Article 4.2(a) and (b) and to the modification of longer-term trends in anthropogenic emissions, as well as to the objective of the Convention;

Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions (Article 10.2(c)):

- Provide advice on possible responses to the findings of the review of the adequacy of commitments, and their implementation, including the conducting of negotiations on resolution(s), amendment(s), protocol(s), and if so requested, undertake such negotiations.

Advise the COP **on issues such as resolution of questions, dispute settlement and compliance/enforcement mechanisms**:

- Consider the establishment of a multilateral consultative process and report to the COP, if so requested.

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* To be reconsidered in the light of the discussion on this item.

Annex II

TIMETABLE OF EVENTS RELATED TO THE SUBSIDIARY BODIES PRIOR TO THE SECOND SESSION OF THE CONFERENCE OF THE PARTIES

Dates	Meetings	Action
August - September 1994	INC X	Adopt recommendation to COP 1 on a provisional basis
		Revise recommendation to COP 1 for final adoption
January - February 1995	INC XI	Informal consultations on election of officers
		Election of officers
March - April 1995	COP 1	Decision on functions, work programme and schedule prior to COP 2
	IPCC Second Assessment Report (September 1995)	Officers prepare for substantive meetings with support from the secretariat
October 1995	SBSTA	Consider how to handle information provided by the IPCC
	Ongoing preparation for substantive meetings	
		Recommendations to COP 2
January - February 1996	SBSTA then SBI	Longer-term planning and organizational arrangements
	Officers finalize preparations for COP 2	
		Report to COP 2
June - July 1996	COP 2	Decision on functions, as appropriate, work programme and schedule in relation to COP 3

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